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Transparency and confidence-building measures in outer space activities

Report of the Secretary-General

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I. Introduction

1. In paragraph 2 of its resolution 62/43, on transparency and confidence-building measures in outer space activities, the General Assembly invited all Member States to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. On 25 February 2008, a note verbale was sent to all Member States drawing their attention to paragraph 2 of resolution 62/43 and seeking relevant information on the issues outlined above. The replies received from Chile, Cuba, Qatar and Ukraine are reproduced in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Chile

[Original: Spanish]
[14 May 2008]

Pursuant to General Assembly resolution 62/43 entitled "Transparency and confidence-building measures in outer space activities" adopted on 5 December 2007, the Government of Chile proposes the following actions and measures to increase transparency and confidence:

(a) States should conclude a single, comprehensive and updated treaty that encompasses all space legislation. The existing Outer Space Treaty dates back to 1967 and thus needs to be revised to update the legal components and reflect technological advances.

(b) Specific regulations pertaining to space debris should be elaborated; these should reflect the obligations of States with respect to such debris and should cover possible damage to persons, property and other activities as well as the safety of spacecraft during scheduled re-entry. In that connection, States should be encouraged to ensure prompt, effective implementation of the legal mechanisms governing the exploitation and utilization of outer space for peaceful purposes. Outer space activities continue to increase and the growing number of outer space objects in orbit presents new challenges.

(c) It is also important to continue improving the international legal regime regulating outer space. Although the voluntary guidelines for the mitigation of space debris called for in General Assembly resolution 62/217 (paragraph 27) are welcome, States need to establish an international legal order that is more complete, effective and preventive; set effective guidelines that can be applied in emergencies; ensure access to timely, accurate information concerning re-entry of debris; and facilitate due coordination among the most affected countries.

(d) A clear distinction should be made between military use, militarization and the arms race in outer space. Military use is governed by customary practice; this includes, for example, monitoring the compliance of disarmament treaties.

Militarization and the arms race in outer space, on the other hand, are prohibited by legal principles.

(e) The principles relating to remote sensing of the Earth by satellites, which were approved by the General Assembly in its resolution 41/64 (1986), should be updated. The existing principles have been superseded over time; they also place restrictions on the access of developing countries to space-based information, which could impede natural disaster management. States should firmly support the United Nations Platform for Space-based Information for Disaster Management and Emergency Response (UN-SPIDER), which has been endorsed by the Committee on the Peaceful Uses of Outer Space (COPUOS).

(f) The initiative Prevention of an Arms Race in Outer Space (PAROS) should be renewed without delay, within the framework of the Conference on Disarmament in Geneva.

(g) States should seek an advisory opinion from the International Court of Justice concerning the application and scope of the principle of the non-use of force in outer space.

(h) States are urged to implement General Assembly resolution 62/20 (2007) on the prevention of an arms race in outer space, which reiterates the need to consolidate and reinforce the legal regime applicable to outer space, since the current regime does not in and of itself guarantee the prevention of an arms race in outer space. The existing regime does not ban anti-satellite arms, which makes it difficult to establish a more comprehensive confidence-building mechanism. The development of weapons in outer space needs to be reviewed.

(i) At the regional level, the International Group of Experts and the respective pro tempore secretariats of the Space Conferences of the Americas should issue statements promoting increased transparency and confidence-building.

Cuba

[Original: Spanish]
[15 June 2008]

1. Beginning in the 1960s, the international community adopted a series of legal instruments on outer space including the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967) and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979). These instruments have played a constructive part in the promotion of the peaceful uses of outer space and the regulation of outer space activities. They have also been of significance in relation to the ban on the deployment of weapons of mass destruction and certain military activities in outer space.

2. The majority of countries recognize that the arms race represents a grave threat to international peace and security: the prevention of an arms race in outer space has therefore long been a universal goal. Unfortunately, current developments prove that the existing treaties and agreements have failed to eliminate the dangers of the

militarization of outer space and that they are insufficient to prevent the deployment of weapons in the cosmos.

3. The existing multilateral machinery dealing with disarmament and arms control has the important responsibility of prevailing on the will of the international community in this regard. Cuba supports the efforts under way in the General Assembly and the Conference on Disarmament, especially the negotiation in the Conference of an international legal instrument on banning the deployment of weapons in outer space, and to this end it supports the establishment of a special or ad hoc committee to initiate negotiations.

4. Cuba shares the view both of countries that consider that the need to negotiate a new legal instrument arises because the existing treaties do not effectively prevent the testing, deployment and use of weapons, with the exception of weapons of mass destruction in outer space, especially in orbit around the Earth, on celestial bodies other than the Moon and in outer space, and of countries that maintain that none of these legal instruments is relevant to the question of the use or threat of force against objects in outer space.

5. At the 2008 Conference on Disarmament, the Governments of the Russian Federation and the People's Republic of China officially presented a draft proposal for a treaty on banning outer space weapons. The draft proposal, which is gaining support from a number of countries, bans not only the development of outer space weapons but also the use of force against satellites and other space objects. In Cuba's view, the proposed treaty is a concrete measure that will help to maintain international peace and security in activities relating to outer space — activities which cannot be conducted without the support of the international community.

6. Regrettably, a significant number of the objects currently launched in outer space are not designed to solve any of the important challenges confronting mankind, let alone contribute to development. On the contrary, they were launched for military or espionage purposes and will ultimately increase the amount of space debris, the mitigation of which has become a major challenge.

7. In 2008, there was another incident where an uncontrollable space object had to be destroyed as it re-entered the Earth's atmosphere. The object, which was owned and destroyed by the Government of the United States, carried 453 kilograms of hydrazine.[1] Cuba shares the concern of other States that the incident was a pretext to test anti-satellite systems or other weapons against space objects.

8. The international community is also concerned about the use of nuclear energy sources in outer space. Although only a few highly developed countries are currently exploring this field, it will eventually have an impact on all countries. Cuba considers that the use of nuclear energy sources should be restricted to the extent possible, until there is a clearly defined security framework and more concrete agreements have been initiated. Even in cases of limited use, the State in question should provide other States with comprehensive, transparent information on its activities, including the measures taken to ensure safe use.

[1] Hydrazine, which is often used to fuel spacecraft, is highly toxic and harmful to both humans and the environment.

9. Cuba remains convinced that, at present, there is no reason to consider using nuclear energy sources in Earth orbit, where the risks are considerably higher. Other efficient and much safer energy sources are available.

10. At the Fourteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, political leaders expressed their concern about the adverse consequences of the development and deployment of antiballistic-missile defence systems and the quest for advanced military technology capable of deployment in outer space, which had the potential to unleash an arms race and the subsequent development of advanced missile systems together with an increase in the number of nuclear weapons.

11. Cuba considers that General Assembly resolution 62/43 contributes significantly to the aforementioned efforts to prevent an arms race in outer space.

12. Although transparency and confidence-building are not a substitute for arms control and disarmament measures or a prerequisite for the application of such measures, they nevertheless can facilitate the achievement of disarmament commitments and measures for their verification. Confidence-building requires goodwill on the part of States, which must themselves decide if they will embark on confidence-building, what concrete measures they will adopt and how they will put them into practice.

13. The formulation of recommendations on possible confidence-building measures would in itself be conducive to a better understanding of States' intentions and the current and future situation in outer space. In this sense, the joint work on the preparation of transparency and confidence-building measures would itself promote mutual trust.

14. Transparency and confidence-building measures in outer space activities could include:

- The convening of an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space;
- Review of the current legal regime regulating outer space activities in the light of technological advances, which has been continually blocked by certain States on the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space;
- The adoption of multilateral agreements for the exchange of information on the use of outer space;
- The development of international cooperation mechanisms which guarantee to all countries equal access to the benefits of the utilization of outer space for peaceful purposes;
- Exchange of information on the major trends of the space policies of States, the principal programmes dealing with outer space research and utilization and the orbital parameters of space objects;
- Extending invitations to observers to attend the launching of space objects on a voluntary basis;
- Demonstration of space and rocket technologies;

- Issuing notifications about scheduled launchings of spacecraft, scheduled space manoeuvres that can result in dangerous proximity to spacecraft of other States, and the re-entry of guided spacecraft from orbit into the atmosphere;
- Consultations to clarify the information provided on outer space research and utilization programmes, on ambiguous situations and on other matters which are cause for concern; and to discuss the application of transparency and confidence-building measures agreed on in space activities.

15. Transparency and confidence-building measures can play an important part in the drafting, adoption and implementation of a new treaty banning the deployment of weapons in outer space and the use or threat of use of force against spatial objects. They would also help to create conditions conducive to the conclusion of a new agreement. The preparation of recommendations on possible transparency and confidence-building measures in outer space constitutes a relatively simple first step towards strengthening security.

Qatar

[Original: English]
[17 June 2008]

The State of Qatar supports the prevention of the armament of outer space and the prevention of an arms race in outer space. In this regard, the State of Qatar is of the view that it is beneficial to convene a meeting at the expert level to establish a credible and reliable verification mechanism. At the same time, countries that use outer space must submit, subject to verification, reports with details regarding what they control in outer space, given the existence of a convention, which entered into force in 1967, to make outer space, including orbits around the Earth, the Moon and other celestial bodies, free of weapons of mass destruction. The Convention banned tests of weapons of any kind, military manoeuvres and the construction of military bases and facilities in outer space.

Ukraine

[Original: Russian]
[3 June 2008]

1. Ukraine believes that States should strictly comply with the provisions of international agreements to which they are parties, namely:

- The basic United Nations treaties on outer space (particularly taking account of the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, of 27 January 1967; and article IV of the Convention on Registration of Objects Launched into Outer Space, of 14 January 1975);
- The Comprehensive Nuclear-Test-Ban Treaty, of 24 September 1996;
- The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.

2. Ukraine welcomes and supports the work of the multilateral non-proliferation regimes (the Missile Technology Control Regime, Nuclear Suppliers Group, the Zangger Committee, the Australia Group, and the Wassenaar Arrangement) and considers that the member States of these regimes must adhere to the provisions of their governing instruments in order to ensure transparency and increase confidence.

3. Ukraine proposes that the information from the annual declarations providing an outline of the policies of the States subscribing to the Hague Code of Conduct with respect to ballistic missile programmes and space launch vehicle programmes be used in order to draw up an annual generalized report to the Secretary-General.